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WRITER'S DIRECT DIAL: (609) 734-6358

February 9, 2021

Via Electronic Mail

Adam Slater, Esq.
Mazie Slater Katz & Freeman
103 Eisenhower Parkway, Suite 207
Roseland, NJ 07068

***Re: In re Valsartan, Losartan and Irbesartan
Civil Action No. 19-md-2875-RBK-KMW***

Dear Counsel:

We represent Defendants Hetero Drugs Ltd. and Hetero Labs Ltd. ("HLL") in the above referenced matter. We write in response to your letter dated February 5, 2021, which set forth alleged deficiencies in HLL's document productions. We are prepared to meet and confer regarding the alleged deficiencies at a mutually convenient time.

I. Custodial Files

As an initial matter, your representation that HLL has not produced several custodial files is incorrect. HLL completed custodial productions in accordance with the ESI Protocol on November 30, 2020 for the following individuals listed in your February 5, 2021 letter: Dr. Manoranjan Kumar, Dr. Murali Nagabelli, Jyothi Ganti, Mohan Reddy Chilukuri, D. China Venkata Reddy, Sridhar Badduri Reddi, and Ramakrishna B. Accordingly, HLL has complied with its discovery obligations with respect to these individuals. Given the length of time that has passed since HLL produced these custodial files, the allegations regarding these files is untimely and merits no further discussion.

Nor will HLL provide custodial files for Dr. B.V. Ramireddy, Rajesh Khanna, or Suresh Reddy Boddapati. We negotiated extensively over the identification of custodians, and the agreed-upon list of custodians included none of these individuals. Furthermore, HLL cannot procure the custodial files for the remaining individuals identified by your February 5, 2021 letter. As we advised you on January 11, 2021, Dr. B.V. Ramireddy is an employee of Analys Lab, not HLL. HLL therefore does not possess his custodial file. Any internal documents held by Analys Lab are not within HLL's possession, custody, or control, and further are irrelevant to testimony to be provided by Dr. Ramireddy regarding testing by Analys Labs of Hetero's product. Accordingly, HLL cannot agree to provide a custodial file that is not within our possession, custody, or control. With respect to the two remaining individuals on your list, both Rajesh Khanna and Suresh Reddy Boddapati do not have HLL email addresses and thus do not have custodial files associated with them. To the extent that these individuals authored documents, they were included in our non-custodial document production completed on November 2, 2020, and identified using the custodian label "Hetero." In view of these restraints, and the fact that the parties' agreed-upon list of custodians included none of these individuals, HLL will not provide custodial files for these individuals.

HILL WALLACK LLP
ATTORNEYS AT LAW

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II. Rescheduled Deposition Dates

HLL is amenable to the revised deposition schedule proposed in your February 5, 2021 letter, subject to our witnesses' availability. We note, however, that as stated in our prior correspondence of January 12, 2021 regarding fact witness Jyothi Ganti, she is no longer employed by HLL. Notwithstanding, we are attempting to contact her and will provide an update when and if we are able to locate her and procure her voluntary participation as a witness.

III. Purported Non-Compliance with ESI Protocol

With respect to alleged deficiencies in HLL's Production Index, we note that Plaintiffs have previously raised issues with HLL's Production Index, but at no point during any of the 11 productions made to date, which spanned April 14, 2020 to November 30, 2020, did Plaintiffs take issue with the descriptions in the Index or alleged insufficient metadata. In the one instance in which Plaintiffs did raise a deficiency, on December 11, 2020, HLL provided a "Discovery Production Index – Corrected 12.11.20" to address the specific issues raised by Plaintiffs. In light of the fact that HLL completed its production in November 2020, and conferred with Plaintiffs regarding its Discovery Index in December 2020, it is unacceptable that Plaintiffs first are raising these issues several months later. Notwithstanding, HLL will provide an updated Production Index that lists the names of the custodians completed as of the November 30, 2020 production, as requested. Further, we are looking into the alleged insufficient metadata, and will follow up with you shortly on this issue.

IV. Privilege Log

Regarding HLL's Privilege Log, HLL will provide a "cast of characters" in accordance with the Court's directive. The remaining purported deficiencies in HLL's Privilege Log as set forth in your February 5, 2021 letter, however, are misplaced. HLL's Privilege Log complies with CMO NO. 8, and you have failed to indicate the basis for your contention that it is deficient.

V. Additional Document Requests and Affidavit

Finally, with respect to your additional document requests in advance of HLL 30(b)(6) depositions, HLL is amenable to providing the specific SOPs listed in your letter under subcategory No. 4, which are the specific SOPs requested during the course of our meet and conferrals. HLL is continuing to look into the several additional requests set forth in your letter, and will provide an update shortly. Regarding an affidavit as to Camber's distribution of Valsartan, as agreed during the meet and conferrals, we will provide in advance of our first 30(b)(6) deposition.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

s/ Eric I. Abraham
ERIC I. ABRAHAM